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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PU030241	FOR FURTHER ACTION See Form PCT/PEA/416																									
International application No. PCT/US2004/002407	International filing date (day/month/year) 27.01.2004	Priority date (day/month/year) 13.08.2003																								
International Patent Classification (IPC) or national classification and IPC H04L29/06																										
Applicant THOMSON LICENSING S.A. et al.																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 4 sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"><tr><td style="width: 10%;"><input checked="" type="checkbox"/></td><td style="width: 15%;">Box No. I</td><td>Basis of the opinion</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 31.01.2005	Date of completion of this report 07.11.2005																									
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Bengi-Akyurek, K Telephone No. +49 89 2399-7105																									



**INTERNATIONAL PRELIMINARY REPORT
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-28 received on 02.02.2005 with letter of 31.01.2005

Drawings, Sheets

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-28
	No: Claims	-
Inventive step (IS)	Yes: Claims	1-28
	No: Claims	-
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	-

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The following documents cited in the International Search Report are referred to in this communication:

D1: WO 02/47356 A (DIEHL ERIC; ANDREAUX JEAN PIERRE (FR); CHEVREAU SYLVAIN (FR); THOM) 13 June 2002 (2002-06-13)
D2: WO 01/59549 A (KONINKL PHILIPS ELECTRONICS NV) 16 August 2001 (2001-08-16)

- 2 The present invention relates to an apparatus (**claim 1**) and methods (**claims 10 and 16**) for secure content delivery over communication networks.

- 3 The subject-matter of the present application appears to be novel and inventive over the cited prior art (Article 33(2) and (3) PCT) and therefore meets the criteria mentioned in Article 33(1) PCT:

- 3.1 Document **D1**, which is considered as closest prior art, discloses with regard to the broadest **claim 1**:

A device ("receiver"; Fig. 1, ref. 2), located at a remote site in communication with a network having one server ("source"; Fig. 1, ref. 1) comprising means for:

- (a) receiving a first information item comprising an access code ("secret identifier"; Fig. 1, ref. 15) and a content key ("control word"; Fig. 1, ref. CW) scrambled by using an [encryption] key ("SSK") known by the remote site (page 5, line 37 to page 6, line 2: "...the encrypted control word...and the secret identifier...are encrypted with this session key SSK at the level of the source 1 before being transmitted to the receiver...");
- (b) descrambling the first information item by using a corresponding decrypting key (page 6, lines 1-2: "...the receiver 2 which decrypts them with the aid of the same session key SSK");
- (c) receiving a second information item ("scrambled data"; Fig. 1, ref. 3),

scrambled by using the content key before the server has verified the access code (page 5, lines 4-5: "the content is transmitted from the source 1 to the receiver 2 in the form of scrambled data 3 scrambled by a control word...").

- 3.2 As a result, the main difference between the subject-matter of **claim 1** and that of document **D1** resides in that the method also comprises the step of transmitting and verifying the access code, being generated in response to a request for the second information item by a content requester, before delivering the requested content to the claimed device.
- 3.3 Therefore, the objective problem underlying **claim 1** is regarded as how to enable secure content delivery to a content consumer when content consumer and content requester represent different hosts.
- 3.4 In view of the teachings of document **D1**, the person skilled in the art would not arrive at the proposed solution to the above-mentioned problem since **D1**, although dealing with secure content delivery between content source and receiver, neither includes a hint to the problem of coping with different content consumer and content requester hosts nor suggests the requester-initiated generation and server-based verification of a transmitted access code before allowing content delivery to a content consumer. Rather, **D1** teaches content transfer by means of a secret identifier used for source authentication before the required encryption keys are transmitted by the content source to the content receiver while being silent as to the request-based generation and transmission of an access code for verification purposes.
- 3.5 Equally, document **D2** neither alone nor in combination with **D1** discloses or suggests the subject-matter of **claim 1** since its teaching is directed to encrypted content delivery from a provider to a consumer before performing authentication thus leading away from verifying a generated access code before secure content transfer.
- 4 In the light of the above-mentioned reasons regarding apparatus **claim 1**, the subject-matter of independent method **claims 10 and 16** is also considered novel and inventive,

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since it is directed to corresponding method steps performed by complementary units.

Re Item VII

Certain defects in the International Application

- 1 The independent claims are not properly drafted in the two-part form recommended by Rule 6.3(b) PCT and do not include reference signs in parentheses to increase their intelligibility according to Rule 6.2(b) PCT.
- 2 The most relevant prior art documents are not properly acknowledged in the description part according to Rule 5.1(a)(ii) PCT.